HOUSING INTENSIFICATION

Discussion Paper No. 2

INTRODUCING CHANGE IN METRO'S COMMUNITIES

METROPOLITAN PLAN REVIEW

The Municipality of Metropolitan Toronto

Housing Intensification

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Prepared by the Policy Development Division of the

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INTRODUCING CHANGE IN METRO'S COMMUNITIES

The primary issue that emerged from the housing intensification open houses and briefs is the question of how to achieve intensification while remaining sensitive and responsive to local concerns. This topic often generates controversy and considerable public debate. Community opposition (often referred to as the NIMBY - Not In My Back Yard -syndrome) is primarily due to fears related to anticipated changes in the physical and social character of the neighbourhood. Commonly raised areas of concern include parking, property values, physical appearance or community "character". While it is essential that these and other concerns be addressed, it should not be automatically assumed that every neighbourhood will experience negative impacts from intensification. Residents have vested interests in and an important role to play in the development of their communities. It is appropriate that issues related to the impacts of residential intensification be openly discussed and evaluated in the public forum. Neighbourhood residents, quite understandably, are apprehensive about any change and this symptomatic of the increased pressures facing neighbourhoods today. Society is changing and accompanying these changes are pressures to alter the physical characteristics of the housing stock in order to accomodate the required increase in the number of housing units appropriate to today's smaller household sizes and family types.

Some local neighbourhood associations perceive housing intensification as a major destabilizing force. House advocates, however, argue that intensification is necessary to our communities to combat the present trends in population decline and societal imbalances in community age and income profiles. They argue that creating additional legal housing units across Metropolitan Toronto will help ensure:

- that young people seeking to leave the family home can more easily find small, more affordable housing units in their communities;

- that accommodation of a greater variety of prices and sizes will be available to those wishing to live close to their place of employment;

- that fewer families will be forced to leave the Metropolitan Toronto area in search of affordable housing and;

- that senior citizens no longer wishing or able to maintain single family houses will more easily find small condominium or rental units within their neighbourhoods.

Resident concerns commonly raised include the following:

1. **Disregard for property maintenance and community standards of social behaviour by tenants and/or absentee landlords.**

   Residents often oppose intensification on the premise that accessory units will be occupied by tenants who do not share the smae cultural and economic values, willingness to participate in community activities or invest in maintaining the physical property. Without the ability to exert peer pressure face-to-face contact and participation in community activities and associations, some long-term residents fear that the stability of the neighbourhood will be lost. Concerns regarding the impact of accessory units on property maintenance remain high. Many residents would probably support a universal accessory unit policy if it were possible to ensure owner-occupancy because it is felt that proper maintenance would be ensured by the owner. However, present legislation does not permit municipalities to reguire owner-occupancy as a condition of approval to create an accessory unit.

   It may be possible to address the concerns regarding property maintenance by strengthening the powers of the local property standards by-law and ensuring its enforcement. The City of North York, amongst other municipalities, is presently seeking support and endorsement to "...petition the Minister of Municipal Affairs and the Solicitor General to amend all appropriate Ontario legislation required to permit inspections to be carried

out to effectively enforce municipal by-laws."[1] At present, municipal building inspectors and zoning by-law enforcement officers may gain entry into a dwelling either through the authority of a search warrant issued under Section 142 of the Provincial Offences Act, or by the consent of the occupier, having first informed the occupier that the right of entry may be refused. The municipality wants to be able to ensure compliance with its by-laws by allowing inspections without having to seize property to prove or disprove a suspected by-law contravention. It is expected that attempts to broaden the current rights of entry, especially for non-emergency purposes such as inspection only, will be opposed by individuals and organizations concerned with the protection of privacy and human rights. The debate surrounding the issue of what are reasonable municipal powers of enforcement will not be resolved quickly.

In the interim, the present system of enforcement on a complaint basis is clearly unsatisfactory due to the arbitrary nature of the complaints and the difficulty of successfully resolving conflict through an enforcement process. Enforcement of by-laws does not offer much comfort or promise to neighbours with complaints regarding borderline infractions of the law, particularly by repeat offenders. Nuisance complaints regarding excessive noise, garbage, parked cars, need to be handled quickly in a manner satisfactory to both parties. There are examples of conflict resolution processes that can complement the by-law enforcement powers. The establishment of Neighbourhood Justice Centres in the United States and Community Conflict Resolution Centres in Canada where disputes between neighbours have been resolved amicably and without the involvement of the police or the courts, may be an effective model to study in order to dispel many resident concerns. Further details regarding the conflict resolution process utilized by two centres in Metropolitan Toronto are included in Discussion Paper #3 - Community Conflict Resolution Centres: A Resource for Neighbourhood Planners.

2. **Exterior alterations to a house which are unsympathetic or out-of-character with the style of the neighbourhood.**

Residents are often concerned that intensification will require extensive alterations and/or additions to a house in order to accommodate an additional unit. Typically, fears are expressed that houses that are converted will detract from the overall appearance or character of a single family neighbourhood.

Although there are examples of existing conversions which have not been well designed or constructed, frequently this form of intensification requires few, if any, changes to the exterior of the house. The very fact that many conversions have been done and continue to exist illegally is indicative of the low visibility of this activity. In fact conversions often entail renovations and upgrading that will improve the quality and value of houses.

Local zoning by-laws control the external massing of a unit by such provisions as minimum side-yards and set-back provisions, amount of landscaped open space required and maximum gross floor area. Concerns over changes to the by-law can be adequately addressed with opportunity for public comment if amendments or variances to zoning by-laws are requested. In most municipalities the Committee of Adjustment process is an effective way of assessing variances to the by-law keeping in mind the effects on the physical character of the neighbourhood.

Some opposition to conversion may relate to a confusion between conversion and redevelopment. Recently in some neighbourhoods, small typically post-World War II bungalows have been torn down and replaced with much larger single family dwellings, commonly referred to as 'monster houses'. These large houses appear to be quite out of scale as they loom over their smaller neighbours. This type of re-development is **not** conversion because it does not create an extra dwelling unit within an existing single family home; nor is it an example of housing intensification, as this report defines it, because it does not result in the creation of smaller, and often more affordable units.

3. **Inadequate on-site parking for the new units and increased neighbourhood traffic congestion.**

Increased traffic congestion and additional parking problems are frequently raised concerns associated with the creation of accessory units. Lack of sufficient on and off-street parking has become a problem in many neighbourhoods, especially in older, inner city areas which were developed before the widespread use of the automobile. This problem has been further aggravated by a trend over the past decades towards higher vehicle ownership. The average number of vehicles per person increased approximately 60.7% from .28 in 1961 to .45 in 1986[2]. This trend reflects the growing wealth of individuals and households over this time period as well as the added convenience and desirability of car ownership for many who live in suburban locations.

Suburban low density communities have wider lots and usually extra space to accommodate cars both off and on the street, if required. Parking problems and solutions in these areas are different from those required by older communities where shortage of space is often times a major difficulty. In suburban areas, improving accessibility to public transit and broader acceptance of off-site parking arrangements will help ease congestion.

While parking and traffic congestion are legitimate problems in our communities, research suggests that converted units do not tend to contribute greatly to these problems. This conclusion stems from the following observations:

- accessory units tend to be created in larger houses which usually have additional parking space on-site.

- tenants of accessory units typically have a low level of car ownership.

- car ownership is usually lower in areas well-served by public transit.

- accessory units are not usually found in concentrations to the degree that parking unduly impacts any one particular street.

Some communities have successfully implemented innovative, flexible parking solutions such as shared use of school, church and other community facilties and communal neighbourhood parking on a permit basis on former vacant or under-utilized lots. The following are examples of some of the flexible, alternative parking solutions being used in communities in and around Metropolitan Toronto.

Communal Neighbourhood Parking Lots

- the local Ratepayers Association operates a parkinglot at Rethnelly Street and Macpherson Avenue. This lot is owned by the City of Toronto and leased to the Ratepayers Association who handle day-to-day operation of the lot.

Highrise Buildings With Surplus Parking Spaces

- some existing buildings have parking spaces which are surplus to their own occupant's needs. The Metro Toronto Housing Co. Ltd. is one such landlord. They rent out their surplus spaces on a monthly basis to members of the general community.

New Infill Housing Developments

- Cityhome is entering into joint ventures with the City of Toronto's parking authority to build surplus parking spaces in some new Cityhome developments. Cityhome leases the number of parking spaces it's tenants need from the parking authority. The remainder of the spaces are operated as a commercial parking facility by the Parking Authority.

School Parking Lots

- several school boards, such as Scarborough, and the Metro Separate School Board, issue parking permits to car owners. The permits allow residents to park their cars on school parking lots overnight and on weekends.

Many communities experience frustrations and difficulties coping effectively with the issues surrounding parking and traffic congestion. These are not easy problems to deal with and may require adopting new approaches to the challenge of accommodating additional vehicles within our communities. This task will vary in intensity and difficulty throughout Metropolitan Toronto depending upon the many physical and socio-economic factors which affect the parking capacity and vehicular accessibility of any particular area. Many of these difficulties can be addressed if the community has the willingness to consider and employ alternative methods of accommodating vehicles in order to meet the need for additional housing.

Municipal parking standards should recognize that converted units often times do not require the same amount of parking space as single family dwellings. However these standards should be flexible enough to recognize the physical characteristics of each neighbourhood in order to set realistic standards that minimize any negative impacts. Even though there are many ways to accommodate additional cars, it cannot be guaranteed that in areas which presently experience a shortage of parking space that intensification will never add to this problem. Given this fact, communities must decide if finding space for cars is more important than finding space for people to live. In principle, this should not be a difficult decision to make on a community-wide basis, although it may be necessary to consider fair and appropriate standards for parking that reflect existing conditions.

4. **Decline in property values of adjacent properties due to intensification activity.**

At the root of many of the concerns discussed above is the fear that accessory units will have a negative impact on property values. In 1987, Ekos Research Associates conducted a study to measure the actual impact of accessory units in the City of Ottawa and the City of Toronto[3]. In both cities, properties which contain accessory units were identified and compared to "control group" properties of a similar location, structure type

and size. Average selling prices were examined for both the control and converted houses as well as prices of all properties located within their "zone of influence". Price comparisons were made for all properties both prior to and after the year in which the accessory unit was created.

The study results found that areas in Toronto with accessory units increased in value by 1 per cent while those areas without, decreased by 3.6 per cent. However, these results were not found to be statistically significant. The study also included a survey of public perceptions regarding the quality of life in these studied neighbourhoods which did not record significant differences between areas with or without accessory units. Neighbourhood fears regarding the negative impact of accessory units on property values and quality of life were found to be unsubstantiated by these study findings.

The recent dramatic increase in housing prices has heightened speculation interest in the housing market. Such activity can alter the perception of housing from primarily as a form of shelter into a commodity for investment purposes. Increasingly, vocal protectionist views have been raised in opposition to housing intensification presumably due to fears that intensification will adversely impact the value of neighbouring properties. Interestingly, the very high cost of housing itself increases interest and demand to convert portions of houses by owners who need help to off-set the high costs of home ownership. Concern over property values should not be considered a substantial deterrent to intensification.

5. **Widespread illegal conversion activity in neighbourhoods.**

Residents often voice complaints that neighbours are creating accessory units illegally, thereby avoiding municipal control and tax assessment. Although it is difficult to assess the exact number of such units, it has been estimated that approximately 10 to 20 per cent of the ground-related housing stock in Metro contain illegal units. In considering appropriate government action particularly at the local municipal level, it is important to distinguish between those units which are illegal simply because they are a second unit in a one unit zone versus those units which fail to meet the

minimum health and safety standards. At present many people confuse and mix these two issues in the belief that ALL of the illegal units are a substandard form of housing. Present municipal zoning by-laws which prohibit accessory units on the basis of use alone, are no longer justifiable given the housing demand that exists, particularly as many of these units can offer relatively affordable accommodation and meet the municipal fire, safety and property standards by-laws.

A commonly heard justification for not legalizing accessory units is the limitation of the existing powers of municipal control. Therefore, enforcement on a complaint basis is a method often used to control the most flagrant abuses of the regulations. This argument implies that although the municipality is aware of these units and appears to silently condone their existence, if this matter is publicly raised, authorities will be obligated to investigate and prosecute as necessary. Unfortunately, the present system of enforcement on a complaint basis does not solve the problem but only temporarily interrupts or shifts it to another location. Given the scarcity of alternative accommodation at an affordable price, prosecutions of this type of use or evictions are not humane unless health and safety are threatened. Eviction simply throws more people on the street and into emergency shelters, and makes landlords even less reluctant to reveal the existence of these illegal units.

Many residents fear that if allowed, that the number of applications for new accessory units in their neighbourhood will be overwhelming. However, a survey of experience in municipalities across Canada and the United States in 1985 revealed that the actual rate of take-up was much lower than originally expected[4]. Another important observation made was that the majority of units which applied for legal status in municipalities where the opportunity was given were primarily existing rather than new housing units being created.

There will always be those property owners who, either through lack of knowledge or willingness to comply, do not follow the established regulatory processes. However, if local municipalities recognized these

units as a permitted use and assisted homeowners through the regulatory process, the number of illegal units would drop substantially. Efforts could then be focussed on investigating those units which should rightfully be brought up to meet acceptable government standards of health and safety.

1. City of North York. Clause No. 8 of Report No. 17 of the Legislative Committee July 17, 1988.

2. Consumer Contact Group. Transportation Tomorrow Survey. Ministry of Transportation et al. Toronto: 1986.

3. EKOS Research Associates. The Impact of Conversions on Neighbourhoods: Property Values and Perceptions: Ministry of Housing Toronto: June 1987.

4. M.M. Dillion. Municipal Planning Guidelines for Housing Intensification: Ministry of Municipal Affairs and Housing, Toronto: November 1985.

INFORMATION TO THE READER

This report is a discussion paper prepared for the information of Metropolitan Council, community groups, organizations and members of the public in the review and understanding of issues related to the subject of "housing intensification." A discussion paper, when prepared, is intended to supplement the background and policy papers undertaken as part of the Metropolitan Plan Review. In the general area of housing the following reports have been prepared:

Background Reports:

- Housing Trends: 1976 - 1986
- Housing Intensification

Discussion Papers:

- No. 1 Broad Population Trends
- No. 2 Introducing Change in Metro's Communities
- No. 3 Conflict Resolution

Policy Report:

- Housing Intensification

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The next step in the process will be to prepare amendments to the Metropolitan Official Plan for adoption by Metropolitan Council which reflect the policies and recommendations of the Housing Intensification policy report. Your comments or those of your organization or community group are welcome on the contents of this or the other reports prepared in this series on housing.

Comments and inquiries should be sent to:

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The "Metropolitan Plan Review" is a program to review the Official Plan For The Urban Structure: Metropolitan Toronto. The program was adopted by Metropolitan Council in March of 1986. Further information regarding the Review may be obtained from the Metropolitan Planning Department at the above address.